



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kazutaka INUKAI
Serial No. : 09/850,053
Filed : May 8, 2001
Title : LIGHT EMITTING DEVICE

Art Unit : 2673
Examiner : Prabodh Dharia

Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST APPLICATION BE PASSED TO ISSUANCE

Applicants respectfully request that the application be passed to issuance and that prosecution is not to be reopened. Applicants filed a response to a final office action on November 29, 2004 presenting arguments as to why the claims were allowable. After not receiving any communication as to the status of the response after final, Applicants filed a Request for Continued Examination on January 31, 2005, in order to have the arguments filed in the response to the final office action considered by the Examiner. However, unbeknownst to the Applicants, the Examiner acted on the response filed on November 29, 2004 and mailed a notice of allowance on January 27, 2005. Thus, the RCE and the Notice of Allowance crossed in the mail. Applicants would not have filed the RCE had they been aware of the forthcoming Notice of Allowance because the examiner had already considered and acted on the Applicant's response. Thus, the RCE was filed with no deceptive intent but rather with the intent to continue prosecution only to have the Applicant's response filed on November 29, 2004 considered. Since the response was considered by the Examiner and a notice of allowance crossed in the mail at the time the RCE was filed, the RCE is moot.

Applicants do not wish to reopen prosecution and request that the application proceed to issuance, as evidenced by the Applicants payment of the issue fee on April 26, 2005.

Applicants further request that the RCE and Extension fees paid on January 31, 2005, by way of check number 185210 (copy enclosed) be refunded to Fish & Richardson's Deposit

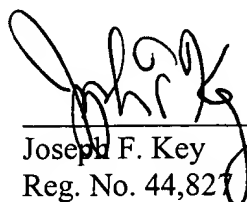
Applicant : Kazutaka INUKAI
Serial No. : 09/850,053
Filed : May 8, 2001
Page : 2 of 2

Attorney's Docket No.: 12732-043001 / US4901

Account No. 06-1050 as a credit. No fees are believed to be due. However, please apply any deficiencies or credits to deposit account 06-1050.

Respectfully submitted,

Date: 5/24/05



Joseph F. Key
Reg. No. 44,821

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331